IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE Ch.S.R.K. PRASAD

WRIT PETITION NO : 19909 of 2004

Between:

T. Uma Maheshwara Reddy, S/o Narayana Reddy,
R/o Chinna Vadigiri, Pedda Vaduguru Mandal, Anantapur District.

..... PETITIONER

AND

1 The Collector and District Magistrate, Anantapur.
2 The Principal Secretary for Home, Secretariat, Hyderabad.
3 The Superintendent, Central Prison, Cherlapalli, R.R. District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Habeas Corpus under Article 226 of Constitution of India directing the respondents to produce Thotireddigari Sharaba Reddy S/o T. Narayana Reddy now detained in Central Prison, Cherlapalli before this Hon'ble Court and may be ordered to release forthwith declaring that his detention is illegal and void.

Counsel for the Petitioner:MR.T.PRADYUMNA KUMAR REDDY

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

ORDER: (per Hon'ble Sri Justice Bilal Nazki)

The detenu has been detained in the civil prison under the provisions of the Andhra Pradesh Prevention of Dangerous activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986.

In the grounds of detention, one ground relates to an alleged offence committed by the detenu on 26-07-1997. It is submitted that the ground is too stale and could not have been taken into consideration for the purpose of framing an opinion that the detenu needed to be detained.

On the other hand, learned Advocate General submits that the authorities have not taken into consideration this occurrence for the purpose of recording a satisfaction, but only for the purpose of tracing out the history of the detenu.

Such arguments have already been considered by this Court in various judgments and the Court held that the grounds are not separable and if one ground is found to be irrelevant or stale, the detention cannot be upheld.

For this reason alone, we allow the writ petition and the detention order is hereby quashed. The respondents are directed to release the detenu forthwith, unless he is required in any other case.

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BILAL NAZKI,J

Dated:22-11-2004

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CH.S.R.K.PRASAD,J

GJ

That Rule Nisi is made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice, on this Monday the Twenty Second day of November Two thousand and Four.

ASSISTANT REGISTRAR

To

1 The Collector and District Magistrate, Anantapur.
2 The Principal Secretary for Home, Secretariat, Hyderabad.
3 The Superintendent, Central Prison, Cherlapalli, R.R. District.

4 Two C.Cs. to the Advocate General, High Court of A.P., Hyderabad.(OUT)

5 Two C.D. copies.